

37 CFR §§ 1.141(a) and 1.146 apply specifically to election of species:

§ 1.141 Different inventions in one national application.

- (a) Two or more independent and distinct inventions may not be claimed in one national application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form (§ 1.75) or otherwise include all the limitations of the generic claim.

Applicant believes that currently pending claim one is "an allowable claim generic to all the claimed species."

§ 1.146 Election of Species

In the first action on an application containing a generic claim to a generic invention (genus) and claims to more than one patentably distinct species embraced thereby, the examiner may require the applicant in the reply to that action to elect a species of his or her invention to which his or her claim shall be restricted if no claim to the genus is found to be allowed. *However, if such application contains claims directed to more than a reasonable number of species, the examiner may require restriction of the claims to not more than a reasonable number of species before taking further action in the application.*

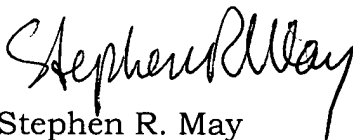
Applicant assumes that the italicized text provides the reason for the restriction to species requirement.

The Applicant provisionally elects the species drawn to a radioisotope carrier wherein the polymer is a water-soluble copolymer capable of forming a gel. Therefore, Applicant believes that claims 5-7, 10-17.

CLOSURE

Applicant has made an earnest attempt to place the above referenced application in condition for allowance and action toward that end is respectfully requested. Should the Examiner identify and further objections, he is invited to contact the undersigned for resolution thereof. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Stephen R. May
Reg. No. 29,255

Stephen R. May (K1-53)
Intellectual Property Services
Battelle Memorial Institute
Pacific Northwest Laboratories
P.O. Box 999
Richland, WA 99352
(509) 375-2387

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS
CORRESPONDENCE IS BEING DEPOSITED WITH THE
UNITED STATES POSTAL SERVICE AS FIRST CLASS
MAIL IN AN ENVELOPE ADDRESSED TO:
ASSISTANT COMMISSIONER FOR PATENTS,
WASHINGTON D.C., 20231, ON THE DATE SET FORTH
BELOW.

 10/24/01
SIGNATURE DATE